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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,217	01/21/2004	Kia Silverbrook	MPA07US	1389

24011 7590 11/28/2005

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EXAMINER

LEBRON, JANNELLE M

ART UNIT PAPER NUMBER

2861

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,217	Applicant(s) SILVERBROOK ET AL.	
	Examiner Jannelle M. Lebron	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/03/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 17C is referenced in the specification on page 13 line 16, page 14 line 34, page 17 line 21, page 18 line 11, page 22 line 15, and possibly others. This was already brought to the applicant in the Pre-Exam Formalities Notice mailed 04/26/2004. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 5 is objected to as being indefinite for failing to particularly point out and distinctly claim the claim the subject matter which applicant regards as the invention. The claim recites the limitation "the fluid distribution members". There is insufficient antecedent basis for this limitation in the claim, since it is only referred to in the singular as "at least one fluid distribution member" prior to this reference.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverbrook (US Patent 6,439,908).

5. Regarding claim 1, Silverbrook discloses "a printhead assembly, comprising:
at least one printhead module [10 in figure 2] comprising at least two printhead integrated circuits [18 in figure 4], each of which has nozzles formed therein for delivering printing fluid onto the surface of print media [column 3, lines 45-47], and a support member [16 in figure 7] supporting and carrying the printing fluid for the at least two printhead integrated circuits; and

a casing [14 in figure 3] in which the at least one printhead module is removably mounted so as to constrain movement of the at least one printhead module relative to the casing in at least the direction of printing fluid delivery from the nozzles to the print media." The clamping arrangement of figure 2 holds the module firmly in place, constraining movement of the module in all directions.

6. Regarding claim 2, Silverbrook discloses a printhead assembly "wherein the casing comprises a longitudinally extending groove [64 in figure 2] in which a first side of the at least one printhead module is slidably received and a second side of the at least one printhead module is clamped to the casing by a clamping arrangement 94 and the curved edge of 14 in figure 2]."

7. Regarding claim 3, Silverbrook discloses a printhead assembly "wherein:
the casing comprises a longitudinally extending channel portion within which the at least one printhead module is mounted, the channel comprising first and second side walls joined by a lower wall [channel formed by side walls 64 and 94 in figure 2 and joined by lower wall marked 14 in figure 1];

the first side wall includes the longitudinally extending groove [groove formed by 64 in figure 2] which is formed between upper and lower longitudinally extending tabs [see upper and lower tabs of 64 in figure 2]; and

the second side wall has a longitudinally extending upper surface [bottom surface of 94 in figure 2] upon which the second side of the at least one printhead module is mounted, the longitudinally extending upper surface having a height from the lower surface of the channel portion substantially equal to a height of the lower longitudinally

extending protrusion of the first side wall [figure 2 shows that height of 94 is substantially equal to height of 64].”

8. Regarding claim 4, Silverbrook discloses a printhead assembly “wherein:
the casing includes a support frame [64, 94, lower parts of 76 and 32 of figure 2], incorporating the channel portion, and a cover portion [as shown in figure 2]; and
the clamping arrangement engages with the support frame.” The clamping arrangement is part of the support of the frame, and thus engages with the support frame.

9. Regarding claim 5, Silverbrook discloses a printhead assembly “wherein:
the at least one printhead module [10 in figure 2] is formed as a unitary arrangement of the at least two printhead integrated circuits [18 in figure 4], the support member [16 of figure 7], at least one fluid distribution member [26 in figure 7] mounting the at least two printhead integrated circuits to the support member, and an electrical connector [48, 22 in figure 8] for connecting electrical signals to the at least two printhead integrated circuits [column 3, lines 59-65]; and

the support member has at least one longitudinally extending channel [80 in figure 7] for carrying the printing fluid for the printhead integrated circuits and includes a plurality of apertures [42 in figure 7] extending through a wall of the support member arranged so as to direct the printing fluid from the at least one channel to associated nozzles in both, or if more than two, all of the printhead integrated circuits by way of respective ones of the fluid distribution members [as shown in figure 7; column 3, lines 45-47].”

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 10/760,216. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 and 2 of the instant application are

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contained in claim 2 of the reference application, and claims 3-5 of the instant application are the same as claims 3-5 of the reference application, respectively.

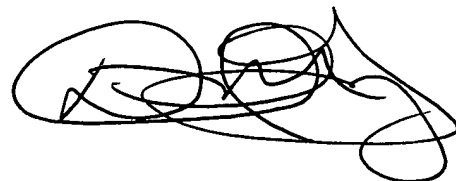
This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jannelle M. Lebron whose telephone number is (571) 272-2729. The examiner can normally be reached on Monday thru Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML

A handwritten signature in black ink, appearing to read 'DAVID M. GRAY', with a large, stylized flourish extending from the end of the signature.

DAVID M. GRAY
PRIMARY EXAMINER